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REMARKS

This Amendment is in response to the Office Action dated July 12, 2011. In

the office action, claims 1-4 were objected to. Claims 1-8 were rejected under 35

U.S.C. § 112, first paragraph. Claims 1-8 were rejected under 35 U.S.C. § 112,

second paragraph. Claims 1-4 were rejected under 35 U.S.C. § 102(b) as being

anticipated by Fujita et al. (U.S. Patent 5,513,110, "Fujita"). Claims 2 and 4 were

rejected under 35 U.S.C. § 103(a) as being anticipated over "iQue 3600" in view of

Reggie and further in view of Yokoyama (U.S. Patent 5,654,908). Claims 5-8 were

rejected under 35 U.S.C. § 103(a) as being anticipated over "iQue 3600" in view of

Reggie and Yokoyama, and further in view of Koh et al. (U.S. PG-PUB

2005/0027926, "Koh").

By the present amendment, claims 2, 4, 6, and 8 have been cancelled without

prejudice or disclaimer of the subject matter thereof. In addition, claims 1, 3, 5 and 7

have been amended. New claims 9 and 10 have been added.

At entry of this paper, claims 1, 3, 5, and 7 will be pending for further

consideration and examination in the application. All rejections are traversed, in so

far as the rejections are applicable to the present claims. Reconsideration and

allowance of this application, as amended, is respectfully requested.

Support for new claims 9 and 10 can be found, for example, in paragraphs

[0010]-[0013] of the application's U.S. PG-PUB 2007/0129882.

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OBJECTIONS

In the office action, claims 1-4 were objected to. Claims 2 and 4 have been cancelled without prejudice or disclaimer of the subject matter thereof. Claims 1 and 3 have been amended in a manner that overcomes the objections. Therefore, the objections to currently pending claims 1 and 3 should be withdrawn.

REJECTIONS UNDER 35 USC §112, FIRST PARA.

In the office action, claims 1-8 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement.

More specifically, claim 1 was rejected due to the following claimed feature: "link data of links configuring roads on a map." According to the rejection, "applicant's original disclosure does not provide support [for] possession of 'links configuring roads.' Instead[,] the disclosure provides support for mesh and link data making up a map." Claims 2-8 were rejected on the same grounds.

The applicants respectfully traverse this rejection. The applicants submit that the claimed feature is supported in the specification. For example, paragraph [0031] of the application's U.S. PG-PUB 2007/0129882 discloses the following (emphasis added):

> As shown, map data 310 is classified into every mesh areas, which are obtained by dividing a map into plural pieces. The map data 310 has mesh ID 311 which identifies the mesh areas, and link data 312 of individual links composing a road contained in the mesh areas. In the map data 310, moreover, each mesh ID 311 contains a mesh size list 330, in which the data sizes (or the mesh size) of the link data 312 of the mesh area defined by that mesh ID are made to correspond to one another.

In light of this example of disclosure, this 35 U.S.C. § 112, first paragraph rejection of claims 1-8 should be withdrawn.

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In an additional 35 U.S.C. § 112, first paragraph rejection, of claims 5-8, claim

5 was rejected due to the following claimed feature (emphasis in the rejection):

"wherein the route searching unit <u>refers to the data size</u> of the link data within the

each mesh area stored in the memory <u>before reading</u> the link data, and confirms

whether or not the link data can be developed on the memory."

According to the rejection, "[t]his is new matter, emphasis added, because the

original disclosure fails to provide support for possession of the claimed subject

matter." Claims 6-8 were rejected on the same grounds. The applicants respectfully

traverse this rejection. The applicants submit that the claimed feature is supported in

the specification. For example, paragraph [0047] of the application's U.S. PG-PUB

discloses the following (emphasis added):

> As thus explained in this embodiment, in case the navigation system is
> started, the route searching unit 14 reads the mesh size list 330 from the
> storage device 3 and stores it in the predetermined area of the RAM 22. <u>Then,
> the route searching unit 14 refers to the mesh size list 330 stored in the RAM
> 22, when it acquires the link data 312, thereby to confirm whether or not the
> link data 312 can be developed on the RAM 22.</u> In other words, when the link
> data 312 is to be acquired, the embodiment can realize it without any access
> to the storage device 3 whether or not the link data 312 can be developed on
> the RAM 22. In short, this embodiment can shorten the time period for
> acquiring the link data 312 at the time of processing the route search.

In addition, paragraph [0060] of the application's U.S. PG-PUB discloses the

following (emphasis added):

> Specifically, the route searching unit 14 specifies the mesh which is
> contained in the range of a predetermined distance from the current position.
> The route searching unit 14 acquires the link data 312 of the mesh specified,
> from the storage device 3 through the data reading unit 12. Here, the route
> searching unit 14 refers, in case it acquires the link data 312 of the specified
> mesh, to the mesh size list 330 stored in the predetermined area of the RAM
> 22. <u>Confirming the data size of the link data 312 of the specified mesh
> corresponding to the mesh size list 330 and the capacity of the RAM 22, the
> route searching unit 14 sequentially acquires the link data 312 developable to
> the RAM 22.</u>

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Additional support can be found in paragraphs [0031] and [0064]. In light of these examples of disclosure, this 35 U.S.C. § 112, first paragraph rejection of claims 5-8 should be withdrawn.

REJECTIONS UNDER 35 USC §112, SECOND PARA.

In the office action, claims 1-8 were rejected under 35 U.S.C. § 112, second paragraph, for reciting the phrase "adapted to." Claims 2, 4, 6, and 8 have been cancelled without prejudice or disclaimer of the subject matter thereof. Claims 1, 3, 5, and 7 have been amended in a manner that overcomes the rejection, by reciting "configured to" instead of "adapted to." The "configured to language limits claim scope, does not "suggest or make optional", and requires steps to be performed and/or limits a claim to a particular structure (see MPEP § 2111.04). Therefore, the 35 U.S.C. § 112, second paragraph rejection of currently pending claims 1, 3 ,5 and 7 should be withdrawn.

REJECTIONS UNDER 35 USC §102

In the office action, claims 1-4 were rejected under 35 U.S.C. § 102(b) as being anticipated by Fujita et al. (U.S. Patent 5,513,110, "Fujita"). Claims 2 and 4 have been cancelled without prejudice or disclaimer of the subject matter thereof. The 35 USC §102 rejections of currently pending claims 1 and 3 are traversed, to the extent that they apply to the amended claims and new claims. In order to properly support a §102 anticipatory-type rejection, "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art

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reference." <u>In re Robertson</u>, 169 F.3d 743 (Fed. Cir. 1999). The applied art does not

adequately support a §102 anticipatory-type rejection because, at minimum, such

applied art does not disclose (or suggest) the following discussed features of

Applicant's claims.

     In regards to independent claims 1 and 3, these claims recite the following

features: "<u>a detection unit configured to detect a current position of a vehicle in case</u>

<u>the navigation system itself is started</u>" (claim 1), and "<u>a detecting step to detect a</u>

<u>current position of a vehicle in case the navigation system itself is started</u>" (claim 3).

     Support for these claimed features can be found in the specification. For

example, the section of the specification corresponding to paragraphs [0010]-[0013]

of the application's U.S. PG-PUB 2007/0129882 discloses that "the navigation

system detects the current position of the vehicle, in case it detects the stop of the

vehicle or in case navigation system itself is started," and that the navigation system

uses the data of the current position of the vehicle "to determine the intersection

within the range of a predetermined distance from the detected current position

thereby to search the route from the current position to the determined intersection,"

and "[t]hen, the navigation system searches, in case it accepts the setting of the

destination, the recommended route to the destination by making use of the route

from the current position already searched to the intersection."

     In other words, the present claims 1 and 3 are directed to searching a route

from a current position to a nearest intersection "<u>before setting of a destination is</u>

<u>accepted</u>". The navigation system is normally started when an ignition of a vehicle is

turned on by a key, and at this time, a search for the route to the nearest intersection

is started.

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New dependent claims 9 and 10 are directed to searching a route from a current position to a nearest intersection "before the navigation system is started". The navigation system is normally started when an ignition of a vehicle is turned on by a key, and at this time, a search for the route to the nearest intersection is started.

As a result, according to independent claims 1 and 3, the route to the nearest intersection has been found out before the user starts operation of the navigation system, (such as by a setting of the destination). In other words, since the route search cannot be conducted before the navigation system is started, the route search method of the present invention in which the route search can be started simultaneously with the system start-up identifies the fastest way to search the route to the nearest intersection and thus, it is possible to accelerate a route search operation as a whole.

The Applicants respectfully submit that the claimed features of the present invention, such as searching a route from a current position to a nearest intersection "before setting of a destination is accepted" (claims 1 and 3) and "before the navigation system is started" (claims 9 and 10) are not disclosed by the cited Fujita reference.

For example, the cited Fujita reference merely discloses a route search extending to links in higher hierarchies before the route search is requested. Fujita does not identify when timing such a route search is conducted. Furthermore, Fujita does not disclose (or suggest) conducting a route search at a specific timing, such as "at the time of the navigation system is started".

In contrast, according to the present invention, the route to the nearest intersection can be searched at the earliest timing so that an accelerated search for

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a whole route can be achieved by using the already searched route to the nearest

intersection.

Thus, the above discussed features of the invention according to independent

claims 1 and 3, and dependent claims 9 and 10, are not anticipated by the cited

reference and thus, independent claims 1 and 3 and dependent claims 9 and 10 are

in condition for allowance.

REJECTIONS UNDER 35 USC §103

In the office action, Claims 2 and 4 were rejected under 35 U.S.C. § 103(a) as

being anticipated over "iQUe 3600" in view of Reggie and further in view of

Yokoyama (U.S. Patent 5,654,908). Claims 5-8 were rejected under 35 U.S.C. §

103(a) as being anticipated over "iQUe 3600" in view of Reggie and Yokoyama, and

further in view of Koh et al. (U.S. PG-PUB 2005/0027926, "Koh").

Claims 2, 4, 6, and 8 have been cancelled without prejudice or disclaimer of

the subject matter thereof. The 35 USC §103 rejections of currently pending claims

5 and 7 are traversed, to the extent that they apply to the amended claims. The

applied art does not adequately support §103 obviousness-type rejections because,

at minimum, such applied art does not disclose (or suggest) the following discussed

features of Applicant's claims.

In regards to dependent claims 5 and 7, they both are allowable at the very

least because they depend from allowable independent claims 1 and 3. None of the

cited references remedy the deficiencies of Fujita in the rejection of independent

claims 1 and 3. For at least this reason, claims 5 and 7 should be allowed.

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In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

EXAMINER INVITED TO TELEPHONE

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

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To the extent necessary, Applicants petition for an extension of time under 37

CFR 1.136. Please charge any shortage in fees due in connection with the filing of

this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus,

LLP Deposit Account No. 01-2135 (Docket No. 566.46259X00), and please credit

any excess fees to such deposit account.

                                        Respectfully submitted,
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